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HIGH COURT OF CHHATTISGARH: BILASPUR

SB: HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 2282 OF 2007

PETITIONER

Narayan Prasad Chandra, son of Shri Shiv Lal Chandra, aged about 30 years, occupation - Secretary (Panchayat Karmi) Gram Panchayat Kapisda, Tehsil-Bamnidihi, Dist. Janjgir-Champa (CG).

Versus

RESPONDENTS

- 1) State of Chhattisgarh, through Secretary, Panchayat,, D.K.S. Bhawan, Raipur, Dist. Raipur, CG.
- 2) Director, Panchayat, Raipur, Dist. Raipur, CG.
- 3) Deputy Director, Panchayat and Social Welfare, Dist. Janjgir-Champa (CG).
- 4) Shri Chhat Ram Sahu, Sarpanch, Gram Panchayat - Kapisda, Tehsil - Bamnidihi, Dist. Janjgir-Champa, CG.
- 5) Chief Executive Officer, Janpad Panchayat Bamnidihi, Dist. Janjgir-Champa, CG.

PRESENT:

Shri Awadh Tripathi, counsel for the petitioner.
Shri Ajau Dwivedi, Panel Lawyer for respondents No. 1 to 3 and 5/ State.
Shri Satyendra Sahu, counsel for respondent No.4/Caveator,

ORAL ORDER
(Passed on 12th April 2007)

1. Learned counsel appearing for respondent No.4 on caveat categorically submits that the petitioner has not been removed from the post of Panchayat Secretary (Panchayat Karmi) from Gram Panchayat Kapisda, Tehsil Bamnidihi, Dist. Janjgir-Champa, The charge of Panchayat Secretary has been withdrawn for the time being to facilitate the enquiry pending against



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him. Learned counsel relied on the order dated 14-9-2006 (Annexure P/12) in order to support his contention.

2) In view of the fact that enquiry is pending against the petitioner, the order withdrawing the power of Panchayat Secretary for the time being, cannot be held as invalid on the ground that the provisions enshrined in Rule 7 of Chhattisgarh Panchayat Service (Discipline & Appeal) Rules, 1999 have not been complied with.

3) In view of categorical statement made by learned counsel appearing for respondent No.4, on caveat, it is directed that pending enquiry be completed at the earliest, preferably within a period of two months. Since the work of Panchayat Secretary has been withdrawn from the petitioner, petitioner continues as Panchayat Karmi and as such he is entitled to his salary. Payment of salary, if any is due, is payable within a period of two weeks from today.

4) In view of the foregoing, the petition stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Raju